

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OFFICE OF THE CLERK

UNITED STATES OF AMERICA,)
Plaintiff,) 8:10CR-339
vs.)
DEVIN ENRIQUES,) INDICTMENT
Defendant.) (18 U.S.C. § 1623)
) (18 U.S.C. § 401(3))
)

The Grand Jury Charges:

COUNT I

1. On or about the 16th day of August, 2010, in the District of Nebraska, DEVIN ENRIQUES, while under oath and testifying in a proceeding before a Grand Jury duly empaneled on November 16, 2009, a Grand Jury of the United States in the District of Nebraska, knowingly did make a false material declaration, that is to say:

2. At the time and place aforesaid the grand jury was conducting an investigation to determine whether violations of Title 18, United States Code, Section 2113 had been committed, and to identify the persons who had committed, caused the commission of, and conspired to commit such violations. It was material to the said investigation that the grand jury ascertain the identity of two additional individuals that robbed a TierOne Bank with DEVIN ENRIQUES on September 4, 2008.

3. At the time and place alleged, DEVIN ENRIQUES appearing as a witness under oath at a proceeding before the grand jury knowingly made the following declarations in response to questions with respect to the material matter alleged in paragraph 2 as follows:

Q. Well, you certainly remember committing the robbery?

A. I pled guilty to that robbery, yes.

Q. And you did not do it alone?

A. Right.

Q. The robbery?

A. You're right.

Q. Okay. And my question to you is, Mr. Enriques: Who were the other two masked men who went into that bank with you and robbed it with you?

A. I mean, I forgot.

...

Q. Okay. So now your testimony is that you do not remember who these individuals were?

A. I forgot.

Q. Okay. Do you remember who you rode to the bank with in the white car that you got out of before the robbery?

A. No, I don't.

Q. Did you take all the money yourself after the robbery?

A. I mean, I forgot, man, about everything that has to do with that thing.

...

Q. And it's your testimony that you have no memory of these individuals who robbed the bank with you?

A. No, I don't.

4. The aforesaid testimony of DEVIN ENRIQUES, as he then and there well knew and believed, was false in that, DEVIN ENRIQUES did recall the identities of the two people who robbed TierOne Bank with him on September 4, 2008.

All in violation of Title 18, United States Code, Section 1623.

COUNT II

1. On or about the 20th day of October, 2009, in the District of Nebraska, the defendant, DEVIN ENRIQUES, did willfully and knowingly disobey and resist a lawful order of a Court of the United States, that is, the order issued by the Honorable Joseph Bataillon, United States Judge on October 16, 2009, in the District of Nebraska in the case of In re: Grand Jury Subpoena Served Upon Devin M. Enriques, 8:09mc88, to wit:

2. That on October 16, 2009, the Honorable Joseph F. Bataillon issued an Order to Compel Testimony pursuant to 18 U.S.C. §6001 wherein Devin Enriques was given immunity and ordered to testify;

3. On October 20, 2009, Grand Jury Subpoena No. 20267 was served upon Devin M. Enriques;

4. The Grand Jury convened on October 20, 2009, and a quorum was present.

5. Devin M. Enriques appeared before the Grand Jury and refused to comply with Grand Jury Subpoena No. 20267.

6. Specifically, Devin Enriques refused to answer questions posed to him by the Government and members of the Grand Jury.

All in violation of Title 18, United States Code, Section 401(3).

8:10-cr-00339

COUNT III

1. On or about the 17th day of November, 2009, in the District of Nebraska, the defendant, DEVIN ENRIQUES, did willfully and knowingly disobey and resist a lawful order of a Court of the United States, that is, the order issued by the Honorable Joseph Bataillon, United States Judge on November 13, 2009, in the District of Nebraska in the case of In re: Grand Jury Subpoena Served Upon Devin M. Enriques, 8:09mc88 to wit:
2. On November 13, 2009 the Honorable Joseph F. Bataillon issued an Order to Compel Testimony pursuant to 18 U.S.C. §6001 wherein Devin Enriques was given immunity and ordered to testify;
3. On November 17, 2009 the Grand Jury convened and a quorum was present.
4. Devin M. Enriques appeared before the Grand Jury and refused to comply with Grand Jury Subpoena No. 20267.
5. Specifically, Devin Enriques refused to answer questions posed to him by the Government and members of the Grand Jury.

All in violation of Title 18, United States Code, Section 401(3).



DEBORAH R. GILG
United States Attorney

The United States of America request that trial of this case be held at Omaha, Nebraska, pursuant to the rules of this Court.

A TRUE BILL:

 FOREPERSON


 SANDRA L. DENTON
Assistant U.S. Attorney

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